

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NOS.**1644 TO 1649** OF 2004

V.M. Paradkar. ...Petitioner
V/s.
The State of Maharashtra & Anr. ...Respondents

AND

CRIMINAL WRIT PETITION NO.**1651** OF 2004

Dilip K. Patel. ...Petitioner
V/s.
The State of Maharashtra & Anr. ...Respondents

Appearance :-

Mr.A.P. Mundargi with Mr.V.P. Vaze for the Petitioner.

Mr.V.C. Deshpande holding for Mr.R.M. Shetty for
Respondent no.2 **in all matters.**

Mr.A.S. Shitole, A.P.P. for State in **Cri.Writ Petition
No.1644 to 1647 of 2004.**

Mr.D.P. Adsule, A.P.P. for State in **Cri.Writ Petition
Nos.1648, 1649 and 1651 of 2004.**

**CORAM : A.S. AGUIAR, J.
DATED : AUGUST 23, 2004.**

P.C. :-

1. Heard learned Advocates for the parties.
2. The petitioner prays for the following reliefs:-

1) Quashing of the order dated 13th July, 2004 directing the petitioner to furnish surety of Rs.15,000/- .

2) Quashing of the process issued against the petitioner and discharge of the P.R.Bond executed by the petitioner.

3) Suitable orders and directions be issued to all the trial Courts about the issue of process against the Nominee Directors appointed by SICOM Limited in cases under Section 138 read with 141 of N.I. Act.

3. It is pointed out by the learned Advocate for the petitioner that by order dated 13th July, 2004, the Court of J.M.F.C, Ulhasnagar, on the application filed by the petitioner herein directed the accused be released on Personal Bond and also on furnishing Surety although petitioner had prayed that the surety be not insisted upon, since the petitioner is a senior official

of SICOM Limited, a State Government controlled Financial Corporation.

4. Learned Advocate for the respondent points out that the petitioner has already filed an application before the concerned Magistrate for recalling of process which is pending and therefore, the present petition is premature.

4. In view thereof, learned Advocate for the petitioner prays for and is allowed to withdraw the petition. The trial Court not to insist on the personal presence of the petitioner and also not to insist on the petitioner furnishing surety bond. The trial Court will dispose of the application for recall, at the earliest, in any case, within three months from the date hereof.

. With the above order, the petition to stand disposed of.

. Parties be supplied authenticated copy of this order.

(A.S. AGUIAR, J.)